

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/039/2007

- Applicant : Shri Ravi Ramesh Gour
At Hansapuri, Chhotikhadan,
Behind NGDA, C.A. Road,
Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag, Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 09.08.2007)

The present grievance application has been filed on 16.07.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-provision of electricity connection by the non-applicant on an erroneous ground.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter of the present grievance before the Internal Grievance Redressal Cell (in short, the cell). The Cell, upon enquiry and hearing, informed the applicant by its letter, being letter no. 3079 dated 14.05.2007, that there are arrears outstanding against the said premises towards permanent disconnection where the applicant wants a new service connection and further that his request for providing a new connection will be considered upon payment of the arrear amount.

The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

The matter was heard on 01.08.2007.

The applicant's submission is that he had applied to the non-applicant in July 2005 for providing a new electricity connection at his premises. Thereupon, the Jr. Engineer concerned of the non-applicant Company issued a demand note of Rs.4001/- in October, 2005 for the purpose of sanctioning a new connection. The applicant paid this amount on 24.10.2005. The original receipt of payment was also submitted by him to the concerned Jr. Engineer. An Assurance was given to him that the new electric meter would be installed within a week's time. However, a new connection is not as yet provided to the applicant. The reason for not

providing this connection, according to the applicant, is that he did not fulfill the illegal demand of Rs. 2000/- which was made to him. He approached offices of the concerned Jr. Engineer and Assistant Engineer on several occasions but to no purpose. On 04.01.2006, the Jr. Engineer concerned wrote to the applicant informing him that it has been found upon inquiry that there was an electric connection provided to the premises earlier and that it came to be permanently disconnected for non-payment of energy charges. He also informed that unless the P.D. arrear amount is paid by the applicant, the new connection sought for by him cannot be provided. According to the applicant, issuance of such a wrong letter asking for payment of arrear amount for which he was not at all responsible is unjust, improper and illegal particularly when, in the instant case, he has already paid the demand note amount of Rs. 4001/- in October 2005. He added that on 14.08.2006, a legal notice was issued to the concerned Jr. Engineer and Assistant Engineer bringing to their notice that the act on their part in not providing the new connection is unjust, improper and illegal and it is against the law of natural justice. The applicant through this legal notice also asked them to install electric connection in his house within a week's time etc. Since no remedy was provided to the applicant's grievance, he filed his complaint under the said Regulations before the Cell on 30.04.2007. The Cell, upon enquiry and hearing, informed the applicant that he will have to pay the arrear amounts outstanding against the premises. The applicant's strong submission is that the decision of the Cell is not proper and legal. The applicant has produced on

record a copy of his ration card to prove that he is the resident of premises in question. He has also produced a copy of Nagpur Municipal Corporation's Property Tax Payment Receipt for the financial year 2006-2007 in support of his contention. By citing the documentary evidence in the shape of the property tax payment receipt, the applicant has reiterated that his name is appearing in the said tax payment receipt alongwith names of his mother and two brothers thereby showing his lawful possession of the premises i.e. the house no. 564/0/4/A.

He prayed that the non-applicant be directed to provide a new electricity connection immediately.

He has also requested for award of compensation to him towards his mental harassment and other loss.

The non-applicant has submitted his parawise report which is on record. He has stated in this report as well as in his oral submissions that although a demand note of Rs.4001/- was issued in October, 2005 to the applicant for the purpose of providing a new electric connection at his premises and although he has paid this amount on 24.10.2005, it was subsequently noticed that there were two permanently disconnected electricity connections in the premises and that there are arrears of unpaid energy charges outstanding against the said premises. The service connection, being S.C. no. 4100130636506, was sanctioned in the name of one Shri Chandrabhan Chunnilal Gour in the long past and this connection came to be permanently disconnected in or about January 2001 on the ground of non-payment of energy charges amounting to Rs.32,941/-. There was another service connection, being S.C. no. 410015142298, which was

sanctioned in the past in the name of one Shri Sushilkumar Guruprasad Gangotri in the same premises. This service connection also came to be permanently disconnected in June 2005 because of non-payment of arrear amount of Rs.13,450/-. Since these are the arrear amounts outstanding against the said premises, it was not possible for him to sanction a new connection in the same premises to the applicant. The applicant was informed accordingly on 04.01.2006 by the concerned Jr. Engineer.

He denied the allegation of the applicant that the new connection was not provided because of non-fulfillment of illegal demand of Rs.2000/-. He assertively stated that this allegation is totally false. The applicant's legal notice dated 14.08.2006 has also been replied appropriately by the Counsel of the non-applicant Company a copy of which has been produced on record by him.

He added that the owner of the premises one Shri Guruprasad Chunnilal Gangotri has given a statement during inquiry that he has not given any declaration or consent to the applicant in respect of providing a new connection to him. Shri Guruprasad has further stated that the declaration dated 20.04.2005 made in his name bearing his thumb impression is false.

A copy of the partition deed in respect of house property bearing house no. 564/064 situated in ward no. 35 within the Nagpur Municipal Corporation limits has also been produced on record by the non-applicant. The non-applicant's submission in respect of the ration card produced on record by the applicant is that the ration card clearly indicates the

address of Shri C.C. Gour who was the grandfather of the present applicant and that it also shows that the premises where the applicant wants a new connection and that the erstwhile electric connections were permanently disconnected from the same premises.

He lastly prayed the grievance application may be rejected.

The main point to be decided in this case is whether the applicant is liable to make payment of the arrear amounts in question before a new connection is sanctioned to him. In this respect, it is pertinent to note that an electricity connection was sanctioned in the long past in the name of Shri Chandrabhan Chunnilal Gour who was the father of the applicant's mother. There is an arrear amount of Rs.32,941/- outstanding against this connection which has remained un-paid till to-day. The deed of partition, a copy which has been produced on record, indicates that a portion admeasuring 252.79 Sq.Ft. out of total 1260 Sq. Ft. area in respect of the Nagpur Municipal Corporation's house no. 564/064 has come to the share of the applicant's mother, the applicant himself and his two brothers. A copy of Genealogical Tree is annexed to his partition deed. It transpires there-from that originally the entire property was owned by one Shri Chunnilal Gopichand Gangotri who had two sons namely Shri Guruprasad & Chandrabhan. It also indicates that upon the death of Shri Chandrabhan, he had three heirs namely his wife Kalabai, a daughter Sushilabai and a son Chandrashekhar. Shri Chandrashekhar and Smt. Kalabai are no longer live. Details of heirs of Chandrashekhar and

Sushilabai are also shown in this document as their respective lineal descendants. Hence, it is clear that the liability of Rs.32,239/- which was outstanding against the P.D. service connection no. 410013063650 which was in the name of Shri Chandrabhan C. Gour passes on to the applicant, his two brothers and mother, they being the legal heirs of late Shri Chandrabhan. The applicant has also admitted that his mother is one of the legal heirs of the deceased Shri Chandrabhan. Hence, along with the property that has come to the applicant's share as per the partition deed dated 24.07.2006, the applicant will have to take upon him the liability to pay this arrear amount before a new connection is provided to him. .

There is an allegation made by the applicant that an illegal demand of Rs. 2000/- was made to him for the purpose of sanctioning a new connection. This is denied by the non-applicant. Mere allegation has no meaning unless a concrete proof substantiating it is produced on record. No proof of any kind is produced on record by the applicant. Hence, this allegation is not proved. It is true that a demand note was issued in October 2005 to the applicant in response to his application for a new electricity connection. There is also no dispute that this amount was also duly paid by him. However, during the course of enquiry made subsequently by the non-applicant, it was found that the said arrear amount has been outstanding against the premises and as such, there was nothing wrong on the part of the non-applicant to have asked the applicant to pay this amount. As a matter of fact, the non-applicant ought to have first completed a fool-proof

enquiry before the demand note was issued. This has not been done in the present case. May that the case be, the non-applicant was not prohibited from making further enquiry before a new connection is provided for the purpose safe-guarding the interest of the non-applicant Company.

The non-applicant has stated that there was another service connection, being S.C. No. 410015142298, in these premises sanctioned which was in the name of Shri Sushilkumar Guruprasad Gangotri and this connection was permanently disconnected in June 2005 and also that arrear amount of Rs.13,450/- is still outstanding against this P.D. connection. According to him, the applicant is liable to pay this amount also. However, we are unable to agree with this plea. The reason is that Sushilkumar Guruprasad Gangotri was a lineal descendant (Son) of Shri Guruprasad Chunnilal Gangotri. The genealogical tree indicates distinctly the lineal descendants of two brothers namely Shri Guruprasad and Shri Chandrabhan Chunnilal Gangotri. Hence, the present applicant cannot be held liable for payment of the outstanding amount in question which was outstanding against Shri Sushilkumar Guruprasad Gangotri. The partition deed produced on record also clearly indicates partition of the house area admeasuring 1260 Sq.Ft. within the three family branches of Gangotri family. Hence, the three premises as per partition deed constitute three different premises. It is in this respect that we hold that the applicant is liable to make payment of the arrear amount of Rs.32,941/- only which was outstanding against the grand father of the present applicant

in respect of the premises that has come to the share of the applicant, his mother and two brothers as per partition.

The net result is that the applicant is liable to pay amount of Rs.32,941/- and he is not liable to pay other arrear amount of Rs.13,450/-.

A point has been made in respect of declaration dated 20.04.2005 filed by the applicant on record before the non-applicant. This declaration bearing thumb impression of Shri Guruprasad Chunnilal Gangotri makes a mention that Shri Guruprasad has no objection if a new electric connection is provided to the applicant. The non-applicant's submission is that Shri Guruprasad has denied that he has ever signed any such declaration. A copy of his statement dated 25.09.2006 has been produced on record by the non-applicant. This statement clearly indicates that Shri Guruprasad Chunnilal Gangotri has denied to have put his thumb impression on the so-called declaration dated 20.04.2005. It is in this respect that the non-applicant has made a submission that a false record has been produced by the applicant for getting a new connection. There was no plausible explanation forth-coming from the applicant in this respect. The non-applicant's contention that a false document was furnished by the applicant in the year 2005, therefore, seems to be convincing. In any case, there is a valid ground for not sanctioning a new connection to the applicant.

In the result, we partly allow the present grievance application and direct the non-applicant to release the new electric connection to the applicant only after payment of the outstanding arrear amount of Rs.32,941/- subject to

completion of other formalities like test report etc to be the completed by him.

This order is passed without prejudice to the non-applicant's right to recover the outstanding amounts in question by suit in terms of Section 56 (1) of the Electricity Act, 2003.

Both the parties may report compliance of this order to this Forum before 10.09.2007.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**